

REMARKS

Claims 1-8 remain pending. The wording of most claims has been changed or rearranged slightly where appropriate so as to present the claims in a format that more closely conforms to US practice. Reconsideration of the application is respectfully requested.

Claims 1-8 were rejected under 35 U.S.C. 103(a) as obvious over Fischell et al (EP 0596172) in view of Siess et al (US 2004/0044266). Independent claim 1 has been amended slightly to more succinctly claim the invention. More particularly, the claim now specifies that the channel element is to be formed **exclusively** of a hard plastic material. This is clearly distinguishable from the primary reference which teaches the incorporation of a **metal wire** within the plastic sheath for reinforcement. More importantly, this distinction represents a distinct departure from the teaching of the primary reference. To wit, while Fischell teaches that it is necessary to take steps in an effort to maintain a sheath's kink resistance as its wall thickness is reduced, the present invention takes a very different approach to the extent that no effort is made to enhance kink resistance as wall thickness is reduced. This stems from the applicants' recognition that while a thinner walled sheath will more easily become collapsed and kinked than a thick walled sheath when the dilator is removed, the thinner walled sheath is also more easily straightened out or opened up with the subsequent introduction of a catheter (see specification page 4, lines 6-9). While a conventional thick-walled sheath or a highly reinforced kink-resistant thin-walled sheath would require the reinsertion of the dilator to remove a kink, the sheath of the present invention requires no further intervention as any kinking would not prevent the subsequent introduction of a catheter. In effect, by providing for the reinforcement of a thin-walled sheath, the cited reference teaches away from the present invention. It is therefore respectfully submitted that obviousness is effectively avoided.

In light of the above amendments and remarks, applicants earnestly believe the application to now be in condition for allowance and respectfully request that it be passed to issue.

If any fees are due, please charge our deposit account no. 06-2425.

Respectfully submitted,

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